

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:21-cv-1150 (AJT/JFA)
)	
FAIRFAX POLICE OFFICER No. 1, <i>et al.</i> ,)	
)	
Defendants.)	

MOTION FOR EXTENSION OF TIME and WAIVER OF HEARING

Plaintiff Jane Doe, by counsel, moves for an extension of time to February 25, 2022 within which to serve the defendants in this case, something that would ordinarily have to occur by January 10, 2022. In support of this motion, Jane Doe respectfully submits as follows:

This case arises out of victimization by sex trafficking, with the plaintiff proceeding as “Jane Doe” pursuant to court order (ECF 11). The names of the two original defendants were unknown, and they were sued as “Fairfax Police Officers 1 & 2.” Contemporaneously with the complaint, Jane Doe filed a motion for leave to take immediate discovery that would permit her to identify the two defendants. This motion was granted, ECF 12, following which counsel sent a subpoena to the Fairfax County Police Department (“FCPD”) requesting the names and last known addresses of the persons described in the complaint, a copy of which was attached to the subpoena. FCPD was able to identify the defendants from the allegations in Jane Doe’s complaint and provided their last known names and addresses. Efforts will now be made to serve them at those addresses.

At the same time as the undersigned was securing the true names and service addresses of the two defendants then in the case, he learned of additional information bearing on Jane Doe's claims. In due course and following the exercise of appropriate due diligence, this led to the filing on December 16, 2021, of an amended complaint naming numerous other current or former Fairfax County police personnel as defendants. ECF 13. Following filing of the amended complaint, the undersigned inquired of counsel for FCPD which, if any, of the newly named defendants continue in the employment of FCPD, and if so, how they might most easily be served.¹ As of this writing counsel has not yet received a response, but he anticipates no difficulty or delay in serving any newly named defendants who remain FCPD employees.

It is certain that several, if not most, of the newly named defendants are no longer in the employ of FCPD. Should FCPD decline or otherwise be unable to provide a service address for those persons, counsel will have to serve them via the Secretary of the Commonwealth under applicable state law. It is uncertain how long this may take, but it has been known to take weeks. For this reason, and given the initial service deadline of January 10, 2022 and possible delays caused by the year-end holiday season, Jane Doe respectfully requests an extension of time to February 25, 2022 within which to serve all named defendants.

Since the litigation is only now beginning, this brief delay is without prejudice to the Court or the parties. For these reasons, Jane Doe requests that her motion be granted. Jane Doe waives a hearing on this motion and requests the Court's ruling on the papers. A copy of this motion is being emailed to the Office of the Fairfax County Attorney.

¹Routinely, the home addresses of police officers are not provided. What is at issue is at which office or station they might most conveniently be served, directly or by authorized agent.

Respectfully submitted,

JANE DOE,

By counsel

Dated: December 17, 2021

Counsel for Plaintiff:

//s// Victor M. Glasberg

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Certificate of Service

I, Victor M. Glasberg, hereby certify that on this 17th day of October 2021, I filed the foregoing Motion for Protective Order with the clerk of the court via the court's ECF system and sent a copy by email to Senior Assistant Fairfax County Attorney Kimberly Baucom, at kimberly.pacebaucom@fairfaxcounty.gov.

//s// Victor M. Glasberg

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